

Message Text

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ACTION OES-06

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TO SECSTATE WASHDC PRIORITY 3434

INFO AMEMBASSY BONN PRIORITY

USMISSION USBERLIN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

UNCLAS STUTTGART 431

E. O. 11652: N.A.

TAGS: ENRG, GW

SUBJ: ENERGY: COURT REVOKES PERMISSION FOR NUCLEAR
POWER PLANT CONSTRUCTION (WYHL)

REF: STUTTGART A-188, 12/22/76

SUMMARY

COURT REJECTION MARCH 14 OF THE NUCLEAR POWER PLANT AT
WYHL, ON THE BASIS OF INADEQUATE SAFEGUARDS AGAINST
BURSTING OF THE SAFETY MANTLE, IS ANOTHER IN A SERIES
OF DEVELOPMENTS THREATENING THE VIABILITY OF GERMANY'S
NUCLEAR POWER PROGRAM. THE STATE GOVERNMENT WILL APPEAL
THE RULING, AND LOOKS TO BONN FOR A SOLUTION THAT MAY
PRESERVE NUCLEAR POWER AS A MEANS TO MEET FUTURE ENERGY
NEEDS.

END SUMMARY

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1. ON MARCH 14 THE LOCAL ADMINISTRATIVE COURT IN FREIBURG
WITHDREW THE LICENSE ISSUED IN JANUARY 1975 BY THE GOVERNMENT
OF BADEN-WUERTTEMBERG FOR CONSTRUCTION OF THE 1,300 MEGAWATT
NUCLEAR POWER PLANT IN WYHL. COURT ACTION HAD BEEN INITIATED
BY MUNICIPALITIES AND RESIDENTS IN THE WYHL AREA, AND THE
COURT HEARD THE TESTIMONY OF MORE THAN 50 WEST GERMAN AND

FOREIGN EXPERTS BEFORE RELEASING THIS DECISION.

2. CONTRARY TO MOST EXPECTATIONS, THE DECISION WAS NOT BASED ON THE LONG-STANDING ISSUE OF IMPACT ON THE ENVIRONMENT, BUT RATHER ON AN UNEXPECTED SAFETY FACTOR. THE COURT RULED THAT WHILE PLANS FOR THE PLANT CONFORMED TO EXISTING NUCLEAR REACTOR SAFEGUARDS, THESE WERE INSUFFICIENT TO PROTECT AGAINST POSSIBLE BURSTING OF THE PRESSURE MANTLE AND DID NOT INCORPORATE LATEST AVAILABLE TECHNIQUES. THE COURT STATED THAT A BURST OF THE PRESSURE MANTLE WOULD RELEASE RADIOACTIVE MATERIAL THAT COULD CAUSE A CATASTROPHE OF NATIONAL SCALE: DEATH TO THE POPULATION WITHIN A RADIUS OF 15 KILOMETERS, INCREASED INCIDENCE OF CANCER WITHIN A RADIUS OF 35 KILOMETERS, AND CONTAMINATION OF THE AREA FOR 30 YEARS. THE COURT EXPRESSED DOUBT THAT THE AREA WOULD BE EVACUATED QUICKLY ENOUGH TO AVOID CASUALTIES IN THE EVENT OF SUCH AN ACCIDENT. TO STRENGTHEN ITS OWN FINDING, THE COURT REFERRED TO AN EARLIER RULING OF THE FEDERAL ADMINISTRATIVE COURT THAT PROTECTION OF HUMAN LIFE HAS PRIORITY OVER UTILIZATION OF NUCLEAR POWER, AND TO A SIMILAR DEMAND FOR MANTLE SAFETY BY THE GERMAN REACTOR SAFETY COMMISSION FOR A 700 MEGAWATT PLANT THAT THE FIRM BASF HAD WANTED TO BUILD IN LUDWIGSHAFEN. THE FREIBURG COURT DID NOT ACCEPT AS PERMISSIVE THE ARGUMENT THAT THE PROBABILITY OF SUCH AN ACCIDENT WAS EXTREMELY LOW (ONE IN 10 MILLION YEARS). THE COURT DID NOT PURSUE DISPOSAL OF NUCLEAR WASTE MATERIAL SINCE THE POWER COMPANY HAD STATED THAT THESE WASTES WOULD BE REPROCESSED OR STORED OUTSIDE GERMANY.

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3. REACTION WAS IMMEDIATE. MINISTER PRESIDENT FILBINGER REGRETTED THE DECISION AND SAID THAT IT WOULD BE APPEALED AT THE ADMINISTRATIVE TRIBUNAL FOR BADEN-WUERTTEMBERG IN MANNHEIM. HE ADDED THAT THE BONN GOVERNMENT (SPD/FDP) MUST DETERMINE WHETHER THIS COURT DECISION REQUIRES DEVELOPMENT OF NEW GUIDELINES FOR CONSTRUCTION OF NUCLEAR PLANTS. CDU LEADER SPAETH SPOKE OF THE NEED TO ACCELERATE DEVELOPMENT OF ALTERNATIVE SOURCE OF ENERGY TO CLOSE THE ENERGY GAP THAT NOW THREATENS TO WIDEN. STATE OPPOSITION PARTNERS (SPD/FDP) WELCOMED THE DECISION. SPD LEADER EPPLER SUGGESTED THAT A "REFLECTION PERIOD" WOULD ENABLE DISCUSSION OVER ENERGY TO PROCEED MORE DELIBERATELY. FDP LEADER MORLOK TERMED IT A "HISTORIC DECISION" THAT WOULD PRECLUDE EXPANSION OF NUCLEAR ENERGY IN THE FORESEEABLE FUTURE. ANTI-NUCLEAR ACTIVISTS ALSO WELCOMED THE DECISION, AND PRESUMABLY WILL NOW ABANDON THEIR IDEA OF SEEKING A REFERENDUM ON CONSTRUCTION OF NUCLEAR PLANTS.

4. INDUSTRY AND GOVERNMENT SPOKESMEN DEPLORE THE ADDITIONAL

DELAY AND EXPENSE THAT THIS DECISION WILL BRING. INDEED, EDITORS NOW QUESTION IF THE ADDED BURDENS WILL RENDER NUCLEAR POWER SO UNECONOMIC THAT ADDITIONAL PLANTS WILL NOT BE BUILT. OTHERS NOTE THAT NONE OF THE 137 REACTORS CURRENTLY IN USE WORLD-WIDE ARE SUBJECT TO SUCH STRINGENT SAFEGUARDS AGAINST BURSTING OF THE PRESSURE MANTLE.

5. COMMENT. IT WAS ANTICIPATED THAT THE FREIBURG COURT'S DECISION WOULD HAVE BEEN APPEALED IN ANY CASE, THUS LEADING TO FURTHER DELAY FOR THE WYHL PLANT. THE COURT'S SURPRISING DECISION ON SAFETY OF THE PRESSURE MANTLE, HOWEVER, THREATENS TO RESTRICT FURTHER THE NUCLEAR POWER PROGRAM IN WEST GERMANY. IT PUTS THE CDU STATE GOVERNMENT IN THE POSITION OF LOOKING URGENTLY FOR ASSISTANCE FROM THE SPD/FDP COALITION GOVERNMENT IN BONN. IT PLACES GREATER STRESS ON THE QUESTION OF HOW TO COVER THE ENERGY GAP THAT HAD ALREADY BEEN PREDICTED FOR THE 1980'S. AND, AS SEEN FORM HERE AT LEAST, IT RAISES UNCLASSIFIED

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THE QUESTION OF WHETHER THE GERMAN GOVERNMENT AND INDUSTRY WILL NOW FEEL COMPELLED TO PLACE STILL GREATER EMPHASIS ON EXPORT OF NUCLEAR POWER PLANTS AND TECHNOLOGY AS A MEANS TO KEEP THIS INDUSTRY VIABLE.

JENKINS

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